

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

ALEJANDRO BENAVIDEZ,

*Plaintiff,*

v.

BURLINGTON NORTHERN SANTA FE  
CORP., *ET AL.*,

*Defendants.*

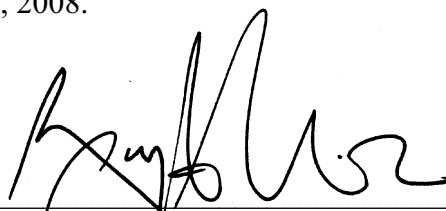
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CIVIL ACTION G-07-105

**JUDGMENT**

On this day, the parties appeared by and through their attorneys of record and requested that the Court enter a take nothing judgment. The Court, having considered all matters of record, is of the opinion that a take nothing judgment should be entered. It is therefore ORDERED that Alejandro Benavidez shall take nothing from defendants Railserve, Inc., Deer Park Rail Terminal, LLC and USD, LLC and that defendants Railserve, Inc., Deer Park Rail Terminal, LLC and USD, LLC are hereby fully and finally acquitted, released and discharged from any and all claims and causes of action that have been pled or could have been pled in this case. It is further ORDERED that each party shall bear its own costs.

Signed at Houston, Texas on July 21, 2008.

  
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Gray H. Miller  
United States District Judge

TO ENSURE PROPER NOTICE, EACH PARTY RECEIVING THIS ORDER SHALL  
FORWARD IT TO EVERY OTHER PARTY AND AFFECTED NONPARTY